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1 A bill to be entitled
2 An act relating to water management; amending s. 374.975,
3 F.S.; providing that operation and maintenance of the
4 intracoastal waterways and certain other public navigation
5 channels by inland navigation districts is in the public
6 interest; amending s. 374.976, F.S.; authorizing inland
7 navigation districts to aid and cooperate with certain
8 nonmember counties in addressing the impacts of waterway
9 development projects; amending s. 403.813, F.S.; removing
10 provisions requiring the Secretary of Environmental
11 Protection to adopt procedural rules for certain dredge
12 and fill projects; revising provisions for maintenance
13 dredging of certain areas; providing criteria for such
14 works; removing activities related to irrigation and
15 drainage ditch projects from certain permitting
16 exemptions; amending ss. 253.03, 373.4145, and 380.061,
17 F.S.; conforming cross-references to changes made by the
18 act; authorizing the Department of Environmental
19 Protection to develop and maintain a list of flocculants
20 the use of which is permitted under part IV of chapter
21 373, F.S., relating to management and storage of surface
22 waters; repealing s. 374.977, F.S., relating to
23 responsibility of inland navigation districts for posting
24 and maintaining regulatory markers for manatee protection
25 speed zones; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
28

29 Section 1. Subsection (1) of section 374.975, Florida
 30 Statutes, is amended to read:

31 374.975 Inland navigation districts; legislative intent.--

32 (1) The Legislature hereby recognizes the continuing need
 33 for inland navigation districts to undertake programs necessary
 34 to accomplish the purposes of construction, maintenance, and
 35 operation of Florida's inland waterways pursuant to s. 107 of
 36 the federal River and Harbor Act of 1960 (33 U.S.C. s. 577) and
 37 that is in the public interest for inland navigation districts
 38 to operate and maintain the intracoastal waterways and any other
 39 public navigation channels authorized by the Board of Trustees
 40 of the Internal Improvement Trust Fund.

41 Section 2. Paragraph (c) of subsection (1) of section
 42 374.976, Florida Statutes, is amended to read:

43 374.976 Authority to address impacts of waterway
 44 development projects.--

45 (1) Each inland navigation district is empowered and
 46 authorized to undertake programs intended to alleviate the
 47 problems associated with its waterway or waterways, including,
 48 but not limited to, the following:

49 (c) The district is authorized to aid and cooperate with
 50 the Federal Government, state, member counties, nonmember
 51 counties that contain any part of the intracoastal waterway
 52 within their boundaries, navigation districts, and local
 53 governments within the district in planning and carrying out
 54 public navigation, local and regional anchorage management,
 55 beach renourishment, public recreation, inlet management,
 56 environmental education, and boating safety projects, directly

57 related to the waterways. The district is also authorized to
 58 enter into cooperative agreements with the United States Army
 59 Corps of Engineers, state, and member counties, and to covenant
 60 in any such cooperative agreement to pay part of the costs of
 61 acquisition, planning, development, construction,
 62 reconstruction, extension, improvement, operation, and
 63 maintenance of such projects.

64 Section 3. Section 403.813, Florida Statutes, is amended
 65 to read:

66 403.813 Permits issued at district centers; exceptions.--

67 ~~(1) The secretary shall adopt procedural rules providing~~
 68 ~~for a short form application for, and issuance at the district~~
 69 ~~centers of, permits for.~~

70 ~~(a) Projects which affect less than 10 acres of~~
 71 ~~jurisdictional area and are within the landward extent of waters~~
 72 ~~of the state that are directly impacted by dredging or filling,~~
 73 ~~including other areas severed from or connected to waters of the~~
 74 ~~state as a result of dredge and fill activities.~~

75 ~~(b) Docking facilities of less than 10 wet slips, which~~
 76 ~~facilities do not provide commercial or marine supplies or~~
 77 ~~services.~~

78 ~~(c) New seawalls or similar structures which do not exceed~~
 79 ~~500 linear feet of shoreline.~~

80 ~~(d) The installation of subaqueous transmission and~~
 81 ~~distribution lines laid on, or embedded in, the bottoms of~~
 82 ~~waters of the state carrying water, electricity, communication~~
 83 ~~cables, oil, and gas, except as exempted by paragraph (2) (m) or~~
 84 ~~paragraph (2) (n).~~

85 ~~(c) Other similar projects that are limited in scope as~~
 86 ~~specified by rule.~~

87 (1)~~(2)~~ A permit is not required under this chapter,
 88 chapter 373, chapter 61-691, Laws of Florida, or chapter 25214
 89 or chapter 25270, 1949, Laws of Florida, for activities
 90 associated with the following types of projects; however, except
 91 as otherwise provided in this subsection, nothing in this
 92 subsection relieves an applicant from any requirement to obtain
 93 permission to use or occupy lands owned by the Board of Trustees
 94 of the Internal Improvement Trust Fund or any water management
 95 district in its governmental or proprietary capacity or from
 96 complying with applicable local pollution control programs
 97 authorized under this chapter or other requirements of county
 98 and municipal governments:

99 (a) The installation of overhead transmission lines, with
 100 support structures which are not constructed in waters of the
 101 state and which do not create a navigational hazard.

102 (b) The installation and repair of mooring pilings and
 103 dolphins associated with private docking facilities or piers and
 104 the installation of private docks, piers and recreational
 105 docking facilities, or piers and recreational docking facilities
 106 of local governmental entities when the local governmental
 107 entity's activities will not take place in any manatee habitat,
 108 any of which docks:

- 109 1. Has 500 square feet or less of over-water surface area
- 110 for a dock which is located in an area designated as Outstanding
- 111 Florida Waters or 1,000 square feet or less of over-water
- 112 surface area for a dock which is located in an area which is not

- 113 designated as Outstanding Florida Waters;
- 114 2. Is constructed on or held in place by pilings or is a
 115 floating dock which is constructed so as not to involve filling
 116 or dredging other than that necessary to install the pilings;
- 117 3. Shall not substantially impede the flow of water or
 118 create a navigational hazard;
- 119 4. Is used for recreational, noncommercial activities
 120 associated with the mooring or storage of boats and boat
 121 paraphernalia; and
- 122 5. Is the sole dock constructed pursuant to this exemption
 123 as measured along the shoreline for a distance of 65 feet,
 124 unless the parcel of land or individual lot as platted is less
 125 than 65 feet in length along the shoreline, in which case there
 126 may be one exempt dock allowed per parcel or lot.

127

128 Nothing in this paragraph shall prohibit the department from
 129 taking appropriate enforcement action pursuant to this chapter
 130 to abate or prohibit any activity otherwise exempt from
 131 permitting pursuant to this paragraph if the department can
 132 demonstrate that the exempted activity has caused water
 133 pollution in violation of this chapter.

134 (c) The installation and maintenance to design
 135 specifications of boat ramps on artificial bodies of water where
 136 navigational access to the proposed ramp exists or the
 137 installation of boat ramps open to the public in any waters of
 138 the state where navigational access to the proposed ramp exists
 139 and where the construction of the proposed ramp will be less
 140 than 30 feet wide and will involve the removal of less than 25

141 cubic yards of material from the waters of the state, and the
142 maintenance to design specifications of such ramps; however, the
143 material to be removed shall be placed upon a self-contained
144 upland site so as to prevent the escape of the spoil material
145 into the waters of the state.

146 (d) The replacement or repair of existing docks and piers,
147 except that no fill material is to be used and provided that the
148 replacement or repaired dock or pier is in the same location and
149 of the same configuration and dimensions as the dock or pier
150 being replaced or repaired.

151 (e) The restoration of seawalls at their previous
152 locations or upland of, or within 1 foot waterward of, their
153 previous locations. However, this shall not affect the
154 permitting requirements of chapter 161, and department rules
155 shall clearly indicate that this exception does not constitute
156 an exception from the permitting requirements of chapter 161.

157 (f)1. Maintenance dredging of the following areas that
158 have been previously dredged or excavated:

159 a. Boat basins.

160 b. Boat slips.

161 c. Intake and discharge structures.

162 d. Navigation channels.

163 e. Portions of natural water bodies within drainage
164 rights-of-way or drainage easements that have been recorded in
165 the public records of the county.

166 f. Port facilities.

167 g. Predominantly residential canals and canal systems.

168 h. Manmade waters that were wholly excavated from lands

169 other than wetlands and other surface waters such as canals,
170 irrigation ditches, drainage ditches, and semienclosed port
171 berths.

172 2. All such maintenance dredging must meet the following
173 conditions:

174 a. The proposed work must be for purposes of maintenance
175 rather than restoration. Work is not maintenance when the area
176 to be dredged fails to reasonably fulfill its original design
177 function, or the repairs needed to return the system to its
178 original design are so extensive that they would cause more than
179 a minimal individual or cumulative adverse environmental impact.
180 This shall not be construed to prohibit maintenance dredging of
181 areas where the loss of design function has been caused by storm
182 events, provided that the dredging is performed as soon as
183 practical after the storm event. Maintenance dredging that
184 commences within two years of the storm event shall be presumed
185 to satisfy this provision. If more than two years are need to
186 commence the maintenance dredging after the storm event, a
187 request shall be submitted to the department accompanied by a
188 statement, including supporting documentation, that contractors
189 are not available or that additional time is needed to obtain
190 authorization from the U.S. Army Corps of Engineers.

191 b. The area to be dredged must have been lawfully dredged
192 or excavated pursuant to all applicable state and federal
193 permits or authorizations at the time of original construction.

194 c. No more dredging shall be performed than is necessary
195 to maintain the area to be dredged in conformance with its
196 original design specification or configuration, whichever is

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197 less. Dredging of intake or discharge structures or canals that
198 were originally constructed prior to the requirement to obtain
199 any state or federal permit shall be limited to a depth of no
200 more than 5 feet below mean or ordinary low water, or the
201 original design specification or configuration, whichever is
202 less.

203 d. No significant impacts shall occur to previously
204 undisturbed natural areas.

205 e. All dredged material shall be removed and deposited
206 within a lawfully existing upland disposal site or an offshore
207 dredged material disposal site located outside of the state's
208 territorial limits that has been approved by the U.S.
209 Environmental Protection Agency under s. 102 of the Marine
210 Protection, Research, and Sanctuaries Act of 1972.

211 f. Turbidity curtains or other best management practices
212 shall be installed and maintained to minimize turbidity and
213 prevent erosion, scour, and the release of toxic or deleterious
214 substances such that the activity does not result in violations
215 of water quality standards at all points of dredging and
216 discharge, and at the dredged material disposal site, except as
217 provided below:

218 (I) A mixing zone for turbidity is granted within a 100-
219 meter radius from the point of dredging while dredging is
220 ongoing provided that the mixing zone does not extend into areas
221 supporting submerged aquatic vegetation or hardbottom
222 communities.

223 (II) The discharge of return water from the dredged
224 material disposal site shall be allowed so long as the discharge

225 water does not result in a violation of water quality standards
 226 in the receiving waters. However, return water discharges into
 227 manmade waters as described in sub-subparagraph 1.h., other than
 228 those in Monroe County, shall be granted a mixing zone for
 229 turbidity within a 150-meter radius from the point of discharge
 230 during and immediately following discharges while dredging is
 231 ongoing; such a mixing zone shall not extend outside of the
 232 manmade waters.

233 g. All work performed under this exemption shall be
 234 conducted in compliance with s. 370.12(2)(d).

235 h. No charge shall be exacted by the state for material
 236 removed during such maintenance dredging by a public port
 237 authority or inland navigation district.

238 i. The dredging shall not involve the removal or
 239 alteration of a natural or manmade barrier separating manmade
 240 waters as described in sub-subparagraph 1.h. from adjacent
 241 waters.

242 j. Any person seeking to use this exemption in previously
 243 dredged portions of natural water bodies within drainage rights-
 244 of-way or drainage easements which have been recorded in the
 245 public records of the county shall notify the department or
 246 water management district, as applicable, at least 30 days prior
 247 to dredging, and provide documentation of original design
 248 specifications or configurations of the area to be dredged,
 249 where such exist, in the notice.

250 k. The use of flocculants at the disposal site is allowed
 251 provided that such use, including supporting documentation, has

252 been coordinated in advance with the department and determined
253 to not be harmful to water resources.

254 ~~(f) The performance of maintenance dredging of existing~~
255 ~~manmade canals, channels, intake and discharge structures, and~~
256 ~~previously dredged portions of natural water bodies within~~
257 ~~drainage rights of way or drainage easements which have been~~
258 ~~recorded in the public records of the county, where the spoil~~
259 ~~material is to be removed and deposited on a self-contained,~~
260 ~~upland spoil site which will prevent the escape of the spoil~~
261 ~~material into the waters of the state, provided that no more~~
262 ~~dredging is to be performed than is necessary to restore the~~
263 ~~canals, channels, and intake and discharge structures, and~~
264 ~~previously dredged portions of natural water bodies, to original~~
265 ~~design specifications or configurations, provided that the work~~
266 ~~is conducted in compliance with s. 370.12(2)(d), provided that~~
267 ~~no significant impacts occur to previously undisturbed natural~~
268 ~~areas, and provided that control devices for return flow and~~
269 ~~best management practices for erosion and sediment control are~~
270 ~~utilized to prevent bank erosion and scouring and to prevent~~
271 ~~turbidity, dredged material, and toxic or deleterious substances~~
272 ~~from discharging into adjacent waters during maintenance~~
273 ~~dredging. Further, for maintenance dredging of previously~~
274 ~~dredged portions of natural water bodies within recorded~~
275 ~~drainage rights of way or drainage easements, an entity that~~
276 ~~seeks an exemption must notify the department or water~~
277 ~~management district, as applicable, at least 30 days prior to~~
278 ~~dredging and provide documentation of original design~~
279 ~~specifications or configurations where such exist. This~~

280 ~~exemption applies to all canals and previously dredged portions~~
281 ~~of natural water bodies within recorded drainage rights-of-way~~
282 ~~or drainage easements constructed prior to April 3, 1970, and to~~
283 ~~those canals and previously dredged portions of natural water~~
284 ~~bodies constructed on or after April 3, 1970, pursuant to all~~
285 ~~necessary state permits. This exemption does not apply to the~~
286 ~~removal of a natural or manmade barrier separating a canal or~~
287 ~~canal system from adjacent waters. When no previous permit has~~
288 ~~been issued by the Board of Trustees of the Internal Improvement~~
289 ~~Trust Fund or the United States Army Corps of Engineers for~~
290 ~~construction or maintenance dredging of the existing manmade~~
291 ~~canal or intake or discharge structure, such maintenance~~
292 ~~dredging shall be limited to a depth of no more than 5 feet~~
293 ~~below mean low water. The Board of Trustees of the Internal~~
294 ~~Improvement Trust Fund may fix and recover from the permittee an~~
295 ~~amount equal to the difference between the fair market value and~~
296 ~~the actual cost of the maintenance dredging for material removed~~
297 ~~during such maintenance dredging. However, no charge shall be~~
298 ~~exactd by the state for material removed during such~~
299 ~~maintenance dredging by a public port authority. The removing~~
300 ~~party may subsequently sell such material; however, proceeds~~
301 ~~from such sale that exceed the costs of maintenance dredging~~
302 ~~shall be remitted to the state and deposited in the Internal~~
303 ~~Improvement Trust Fund.~~

304 (g) The maintenance of existing insect control structures
305 and, dikes, and irrigation and drainage ditches, provided that
306 spoil material is deposited on a self-contained, upland spoil
307 site which will prevent the escape of the spoil material into

308 waters of the state. In the case of insect control structures,
309 if the cost of using a self-contained upland spoil site is so
310 excessive, as determined by the Department of Health, pursuant
311 to s. 403.088(1), that it will inhibit proposed insect control,
312 then-existing spoil sites or dikes may be used, upon
313 notification to the department. In the case of insect control
314 where upland spoil sites are not used pursuant to this
315 exemption, turbidity control devices shall be used to confine
316 the spoil material discharge to that area previously disturbed
317 when the receiving body of water is used as a potable water
318 supply, is designated as shellfish harvesting waters, or
319 functions as a habitat for commercially or recreationally
320 important shellfish or finfish. In all cases, no more dredging
321 is to be performed than is necessary to maintain ~~restore~~ the
322 dike ~~or irrigation or drainage ditch~~ to its original design
323 specifications.

324 (h) The repair or replacement of existing functional pipes
325 or culverts the purpose of which is the discharge or conveyance
326 of stormwater. In all cases, the invert elevation, the diameter,
327 and the length of the culvert shall not be changed. However, the
328 material used for the culvert may be different from the
329 original.

330 (i) The construction of private docks of 1,000 square feet
331 or less of over-water surface area and seawalls in artificially
332 created waterways where such construction will not violate
333 existing water quality standards, impede navigation, or affect
334 flood control. This exemption does not apply to the construction
335 of vertical seawalls in estuaries or lagoons unless the proposed

336 construction is within an existing manmade canal where the
337 shoreline is currently occupied in whole or part by vertical
338 seawalls.

339 (j) The construction and maintenance of swales.

340 (k) The installation of aids to navigation and buoys
341 associated with such aids, provided the devices are marked
342 pursuant to s. 327.40.

343 (l) The replacement or repair of existing open-trestle
344 foot bridges and vehicular bridges that are 100 feet or less in
345 length and two lanes or less in width, provided that no more
346 dredging or filling of submerged lands is performed other than
347 that which is necessary to replace or repair pilings and that
348 the structure to be replaced or repaired is the same length, the
349 same configuration, and in the same location as the original
350 bridge. No debris from the original bridge shall be allowed to
351 remain in the waters of the state.

352 (m) The installation of subaqueous transmission and
353 distribution lines laid on, or embedded in, the bottoms of
354 waters in the state, except in Class I and Class II waters and
355 aquatic preserves, provided no dredging or filling is necessary.

356 (n) The replacement or repair of subaqueous transmission
357 and distribution lines laid on, or embedded in, the bottoms of
358 waters of the state.

359 (o) The construction of private seawalls in wetlands or
360 other surface waters where such construction is between and
361 adjoins at both ends existing seawalls; follows a continuous and
362 uniform seawall construction line with the existing seawalls; is
363 no more than 150 feet in length; and does not violate existing

364 water quality standards, impede navigation, or affect flood
365 control. However, in estuaries and lagoons the construction of
366 vertical seawalls is limited to the circumstances and purposes
367 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
368 the permitting requirements of chapter 161, and department rules
369 must clearly indicate that this exception does not constitute an
370 exception from the permitting requirements of chapter 161.

371 (p) The restoration of existing insect control impoundment
372 dikes which are less than 100 feet in length. Such impoundments
373 shall be connected to tidally influenced waters for 6 months
374 each year beginning September 1 and ending February 28 if
375 feasible or operated in accordance with an impoundment
376 management plan approved by the department. A dike restoration
377 may involve no more dredging than is necessary to restore the
378 dike to its original design specifications. For the purposes of
379 this paragraph, restoration does not include maintenance of
380 impoundment dikes of operating insect control impoundments.

381 (q) The construction, operation, or maintenance of
382 stormwater management facilities which are designed to serve
383 single-family residential projects, including duplexes,
384 triplexes, and quadruplexes, if they are less than 10 acres
385 total land and have less than 2 acres of impervious surface and
386 if the facilities:

- 387 1. Comply with all regulations or ordinances applicable to
388 stormwater management and adopted by a city or county;
- 389 2. Are not part of a larger common plan of development or
390 sale; and

391 3. Discharge into a stormwater discharge facility exempted
392 or permitted by the department under this chapter which has
393 sufficient capacity and treatment capability as specified in
394 this chapter and is owned, maintained, or operated by a city,
395 county, special district with drainage responsibility, or water
396 management district; however, this exemption does not authorize
397 discharge to a facility without the facility owner's prior
398 written consent.

399 (r) The removal of aquatic plants, the removal of
400 tussocks, the associated replanting of indigenous aquatic
401 plants, and the associated removal from lakes of organic
402 detrital material when such planting or removal is performed and
403 authorized by permit or exemption granted under s. 369.20 or s.
404 369.25, provided that:

405 1. Organic detrital material that exists on the surface of
406 natural mineral substrate shall be allowed to be removed to a
407 depth of 3 feet or to the natural mineral substrate, whichever
408 is less;

409 2. All material removed pursuant to this paragraph shall
410 be deposited in an upland site in a manner that will prevent the
411 reintroduction of the material into waters in the state except
412 when spoil material is permitted to be used to create wildlife
413 islands in freshwater bodies of the state when a governmental
414 entity is permitted pursuant to s. 369.20 to create such islands
415 as a part of a restoration or enhancement project;

416 3. All activities are performed in a manner consistent
417 with state water quality standards; and

418 4. No activities under this exemption are conducted in
 419 wetland areas, as defined by s. 373.019(25), which are supported
 420 by a natural soil as shown in applicable United States
 421 Department of Agriculture county soil surveys, except when a
 422 governmental entity is permitted pursuant to s. 369.20 to
 423 conduct such activities as a part of a restoration or
 424 enhancement project.

425

426 The department may not adopt implementing rules for this
 427 paragraph, notwithstanding any other provision of law.

428 (s) The construction, installation, operation, or
 429 maintenance of floating vessel platforms or floating boat lifts,
 430 provided that such structures:

431 1. Float at all times in the water for the sole purpose of
 432 supporting a vessel so that the vessel is out of the water when
 433 not in use;

434 2. Are wholly contained within a boat slip previously
 435 permitted under ss. 403.91-403.929, 1984 Supplement to the
 436 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 437 do not exceed a combined total of 500 square feet, or 200 square
 438 feet in an Outstanding Florida Water, when associated with a
 439 dock that is exempt under this subsection or associated with a
 440 permitted dock with no defined boat slip or attached to a
 441 bulkhead on a parcel of land where there is no other docking
 442 structure;

443 3. Are not used for any commercial purpose or for mooring
 444 vessels that remain in the water when not in use, and do not
 445 substantially impede the flow of water, create a navigational

446 | hazard, or unreasonably infringe upon the riparian rights of
 447 | adjacent property owners, as defined in s. 253.141;

448 | 4. Are constructed and used so as to minimize adverse
 449 | impacts to submerged lands, wetlands, shellfish areas, aquatic
 450 | plant and animal species, and other biological communities,
 451 | including locating such structures in areas where seagrasses are
 452 | least dense adjacent to the dock or bulkhead; and

453 | 5. Are not constructed in areas specifically prohibited
 454 | for boat mooring under conditions of a permit issued in
 455 | accordance with ss. 403.91-403.929, 1984 Supplement to the
 456 | Florida Statutes 1983, as amended, or part IV of chapter 373, or
 457 | other form of authorization issued by a local government.

458 |

459 | Structures that qualify for this exemption are relieved from any
 460 | requirement to obtain permission to use or occupy lands owned by
 461 | the Board of Trustees of the Internal Improvement Trust Fund
 462 | and, with the exception of those structures attached to a
 463 | bulkhead on a parcel of land where there is no docking
 464 | structure, shall not be subject to any more stringent permitting
 465 | requirements, registration requirements, or other regulation by
 466 | any local government. Local governments may require either
 467 | permitting or one-time registration of floating vessel platforms
 468 | to be attached to a bulkhead on a parcel of land where there is
 469 | no other docking structure as necessary to ensure compliance
 470 | with local ordinances, codes, or regulations. Local governments
 471 | may require either permitting or one-time registration of all
 472 | other floating vessel platforms as necessary to ensure
 473 | compliance with the exemption criteria in this section; to

474 ensure compliance with local ordinances, codes, or regulations
475 relating to building or zoning, which are no more stringent than
476 the exemption criteria in this section or address subjects other
477 than subjects addressed by the exemption criteria in this
478 section; and to ensure proper installation, maintenance, and
479 precautionary or evacuation action following a tropical storm or
480 hurricane watch of a floating vessel platform or floating boat
481 lift that is proposed to be attached to a bulkhead or parcel of
482 land where there is no other docking structure. The exemption
483 provided in this paragraph shall be in addition to the exemption
484 provided in paragraph (b). The department shall adopt a general
485 permit by rule for the construction, installation, operation, or
486 maintenance of those floating vessel platforms or floating boat
487 lifts that do not qualify for the exemption provided in this
488 paragraph but do not cause significant adverse impacts to occur
489 individually or cumulatively. The issuance of such general
490 permit shall also constitute permission to use or occupy lands
491 owned by the Board of Trustees of the Internal Improvement Trust
492 Fund. No local government shall impose a more stringent
493 regulation, permitting requirement, registration requirement, or
494 other regulation covered by such general permit. Local
495 governments may require either permitting or one-time
496 registration of floating vessel platforms as necessary to ensure
497 compliance with the general permit in this section; to ensure
498 compliance with local ordinances, codes, or regulations relating
499 to building or zoning that are no more stringent than the
500 general permit in this section; and to ensure proper
501 installation and maintenance of a floating vessel platform or

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502 floating boat lift that is proposed to be attached to a bulkhead
503 or parcel of land where there is no other docking structure.

504 (t) The repair, stabilization, or paving of existing
505 county maintained roads and the repair or replacement of bridges
506 that are part of the roadway, within the Northwest Florida Water
507 Management District and the Suwannee River Water Management
508 District, provided:

509 1. The road and associated bridge were in existence and in
510 use as a public road or bridge, and were maintained by the
511 county as a public road or bridge on or before January 1, 2002;

512 2. The construction activity does not realign the road or
513 expand the number of existing traffic lanes of the existing
514 road; however, the work may include the provision of safety
515 shoulders, clearance of vegetation, and other work reasonably
516 necessary to repair, stabilize, pave, or repave the road,
517 provided that the work is constructed by generally accepted
518 engineering standards;

519 3. The construction activity does not expand the existing
520 width of an existing vehicular bridge in excess of that
521 reasonably necessary to properly connect the bridge with the
522 road being repaired, stabilized, paved, or repaved to safely
523 accommodate the traffic expected on the road, which may include
524 expanding the width of the bridge to match the existing
525 connected road. However, no debris from the original bridge
526 shall be allowed to remain in waters of the state, including
527 wetlands;

528 4. Best management practices for erosion control shall be
529 employed as necessary to prevent water quality violations;

530 5. Roadside swales or other effective means of stormwater
531 treatment must be incorporated as part of the project;

532 6. No more dredging or filling of wetlands or water of the
533 state is performed than that which is reasonably necessary to
534 repair, stabilize, pave, or repave the road or to repair or
535 replace the bridge, in accordance with generally accepted
536 engineering standards; and

537 7. Notice of intent to use the exemption is provided to
538 the department, if the work is to be performed within the
539 Northwest Florida Water Management District, or to the Suwannee
540 River Water Management District, if the work is to be performed
541 within the Suwannee River Water Management District, 30 days
542 prior to performing any work under the exemption.

543
544 Within 30 days after this act becomes a law, the department
545 shall initiate rulemaking to adopt a no fee general permit for
546 the repair, stabilization, or paving of existing roads that are
547 maintained by the county and the repair or replacement of
548 bridges that are part of the roadway where such activities do
549 not cause significant adverse impacts to occur individually or
550 cumulatively. The general permit shall apply statewide and, with
551 no additional rulemaking required, apply to qualified projects
552 reviewed by the Suwannee River Water Management District, the
553 St. Johns River Water Management District, the Southwest Florida
554 Water Management District, and the South Florida Water
555 Management District under the division of responsibilities
556 contained in the operating agreements applicable to part IV of
557 chapter 373. Upon adoption, this general permit shall, pursuant

558 to the provisions of subsection (2) ~~(3)~~, supersede and replace
559 the exemption in this paragraph.

560 (u) Notwithstanding any provision to the contrary in this
561 subsection, a permit or other authorization under chapter 253,
562 chapter 369, chapter 373, or this chapter is not required for an
563 individual residential property owner for the removal of organic
564 detrital material from freshwater rivers or lakes that have a
565 natural sand or rocky substrate and that are not Aquatic
566 Preserves or for the associated removal and replanting of
567 aquatic vegetation for the purpose of environmental enhancement,
568 providing that:

569 1. No activities under this exemption are conducted in
570 wetland areas, as defined by s. 373.019(25), which are supported
571 by a natural soil as shown in applicable United States
572 Department of Agriculture county soil surveys.

573 2. No filling or peat mining is allowed.

574 3. No removal of native wetland trees, including, but not
575 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

576 4. When removing organic detrital material, no portion of
577 the underlying natural mineral substrate or rocky substrate is
578 removed.

579 5. Organic detrital material and plant material removed is
580 deposited in an upland site in a manner that will not cause
581 water quality violations.

582 6. All activities are conducted in such a manner, and with
583 appropriate turbidity controls, so as to prevent any water
584 quality violations outside the immediate work area.

585 7. Replanting with a variety of aquatic plants native to
586 the state shall occur in a minimum of 25 percent of the
587 preexisting vegetated areas where organic detrital material is
588 removed, except for areas where the material is removed to bare
589 rocky substrate; however, an area may be maintained clear of
590 vegetation as an access corridor. The access corridor width may
591 not exceed 50 percent of the property owner's frontage or 50
592 feet, whichever is less, and may be a sufficient length
593 waterward to create a corridor to allow access for a boat or
594 swimmer to reach open water. Replanting must be at a minimum
595 density of 2 feet on center and be completed within 90 days
596 after removal of existing aquatic vegetation, except that under
597 dewatered conditions replanting must be completed within 90 days
598 after reflooding. The area to be replanted must extend waterward
599 from the ordinary high water line to a point where normal water
600 depth would be 3 feet or the preexisting vegetation line,
601 whichever is less. Individuals are required to make a reasonable
602 effort to maintain planting density for a period of 6 months
603 after replanting is complete, and the plants, including
604 naturally recruited native aquatic plants, must be allowed to
605 expand and fill in the revegetation area. Native aquatic plants
606 to be used for revegetation must be salvaged from the
607 enhancement project site or obtained from an aquatic plant
608 nursery regulated by the Department of Agriculture and Consumer
609 Services. Plants that are not native to the state may not be
610 used for replanting.

611 8. No activity occurs any farther than 100 feet waterward
612 of the ordinary high water line, and all activities must be

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613 designed and conducted in a manner that will not unreasonably
614 restrict or infringe upon the riparian rights of adjacent upland
615 riparian owners.

616 9. The person seeking this exemption notifies the
617 applicable department district office in writing at least 30
618 days before commencing work and allows the department to conduct
619 a preconstruction site inspection. Notice must include an
620 organic-detrital-material removal and disposal plan and, if
621 applicable, a vegetation-removal and revegetation plan.

622 10. The department is provided written certification of
623 compliance with the terms and conditions of this paragraph
624 within 30 days after completion of any activity occurring under
625 this exemption.

626 ~~(2)(3)~~ The provisions of subsection (1) ~~(2)~~ are superseded
627 by general permits established pursuant to ss. 373.118 and
628 403.814 which include the same activities. Until such time as
629 general permits are established, or should general permits be
630 suspended or repealed, the exemptions under subsection (1) ~~(2)~~
631 shall remain or shall be reestablished in full force and effect.

632 Section 4. Subsection (16) of section 253.03, Florida
633 Statutes, is amended to read:

634 253.03 Board of trustees to administer state lands; lands
635 enumerated.--

636 (16) The Board of Trustees of the Internal Improvement
637 Trust Fund, and the state through its agencies, may not control,
638 regulate, permit, or charge for any severed materials which are
639 removed from the area adjacent to an intake or discharge

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640 structure pursuant to an exemption authorized in s.
641 403.813 (1) ~~(2)~~ (f) and (r).

642 Section 5. Subsection (3) of section 373.4145, Florida
643 Statutes, is amended to read:

644 373.4145 Part IV permitting program within the
645 geographical jurisdiction of the Northwest Florida Water
646 Management District.--

647 (3) The rules adopted under subsection (1), as applicable,
648 shall:

649 (a) Incorporate the exemptions in ss. 373.406 and
650 403.813 (1) ~~(2)~~.

651 (b) Incorporate the provisions of rule 62-341.475(1)(f),
652 Florida Administrative Code, applicable to single-family homes
653 located entirely or partially within wholly owned, isolated
654 wetlands.

655 (c) Exempt from the notice and permitting requirements of
656 this part the construction or private use of a single-family
657 dwelling unit, duplex, triplex, or quadruplex that:

658 1. Is not part of a larger common plan of development or
659 sale proposed by the applicant.

660 2. Does not involve wetlands or other surface waters.

661 (d) Incorporate the exemptions and general permits that
662 are effective under this part and have been enacted by rule by
663 the department and other water management districts, including
664 the general permits authorized by s. 403.814.

665 (e) Provide an exemption for the repair, stabilization, or
666 paving of county-maintained roads existing on or before January
667 1, 2002, and the repair or replacement of bridges that are part

668 of the roadway consistent with the provisions of s.
 669 403.813 (1) ~~(2)~~ (t), notwithstanding the provisions of s.
 670 403.813 (1) ~~(2)~~ (t) 7. requiring adoption of a general permit
 671 applicable within the Northwest Florida Water Management
 672 District and the repeal of such exemption upon the adoption of a
 673 general permit.

674 (f) Exempt from rule criteria under paragraph (1)(b) an
 675 alteration of a wholly owned, artificial surface water created
 676 entirely from uplands that does not connect to surface waters of
 677 the state, except for those created for the purpose of providing
 678 mitigation under this part.

679 Section 6. Paragraph (a) of subsection (3) of section
 680 380.061, Florida Statutes, is amended to read:

681 380.061 The Florida Quality Developments program.--

682 (3)(a) To be eligible for designation under this program,
 683 the developer shall comply with each of the following
 684 requirements which is applicable to the site of a qualified
 685 development:

686 1. Have donated or entered into a binding commitment to
 687 donate the fee or a lesser interest sufficient to protect, in
 688 perpetuity, the natural attributes of the types of land listed
 689 below. In lieu of the above requirement, the developer may enter
 690 into a binding commitment which runs with the land to set aside
 691 such areas on the property, in perpetuity, as open space to be
 692 retained in a natural condition or as otherwise permitted under
 693 this subparagraph. Under the requirements of this subparagraph,
 694 the developer may reserve the right to use such areas for the

695 | purpose of passive recreation that is consistent with the
696 | purposes for which the land was preserved.

697 | a. Those wetlands and water bodies throughout the state as
698 | would be delineated if the provisions of s. 373.4145(1)(b) were
699 | applied. The developer may use such areas for the purpose of
700 | site access, provided other routes of access are unavailable or
701 | impracticable; may use such areas for the purpose of stormwater
702 | or domestic sewage management and other necessary utilities to
703 | the extent that such uses are permitted pursuant to chapter 403;
704 | or may redesign or alter wetlands and water bodies within the
705 | jurisdiction of the Department of Environmental Protection which
706 | have been artificially created, if the redesign or alteration is
707 | done so as to produce a more naturally functioning system.

708 | b. Active beach or primary and, where appropriate,
709 | secondary dunes, to maintain the integrity of the dune system
710 | and adequate public accessways to the beach. However, the
711 | developer may retain the right to construct and maintain
712 | elevated walkways over the dunes to provide access to the beach.

713 | c. Known archaeological sites determined to be of
714 | significance by the Division of Historical Resources of the
715 | Department of State.

716 | d. Areas known to be important to animal species
717 | designated as endangered or threatened animal species by the
718 | United States Fish and Wildlife Service or by the Fish and
719 | Wildlife Conservation Commission, for reproduction, feeding, or
720 | nesting; for traveling between such areas used for reproduction,
721 | feeding, or nesting; or for escape from predation.

722 e. Areas known to contain plant species designated as
 723 endangered plant species by the Department of Agriculture and
 724 Consumer Services.

725 2. Produce, or dispose of, no substances designated as
 726 hazardous or toxic substances by the United States Environmental
 727 Protection Agency or by the Department of Environmental
 728 Protection or the Department of Agriculture and Consumer
 729 Services. This subparagraph is not intended to apply to the
 730 production of these substances in nonsignificant amounts as
 731 would occur through household use or incidental use by
 732 businesses.

733 3. Participate in a downtown reuse or redevelopment
 734 program to improve and rehabilitate a declining downtown area.

735 4. Incorporate no dredge and fill activities in, and no
 736 stormwater discharge into, waters designated as Class II,
 737 aquatic preserves, or Outstanding Florida Waters, except as
 738 activities in those waters are permitted pursuant to s.
 739 403.813 (1) ~~(2)~~ and the developer demonstrates that those
 740 activities meet the standards under Class II waters, Outstanding
 741 Florida Waters, or aquatic preserves, as applicable.

742 5. Include open space, recreation areas, Xeriscape as
 743 defined in s. 373.185, and energy conservation and minimize
 744 impermeable surfaces as appropriate to the location and type of
 745 project.

746 6. Provide for construction and maintenance of all onsite
 747 infrastructure necessary to support the project and enter into a
 748 binding commitment with local government to provide an
 749 appropriate fair-share contribution toward the offsite impacts

750 which the development will impose on publicly funded facilities
751 and services, except offsite transportation, and condition or
752 phase the commencement of development to ensure that public
753 facilities and services, except offsite transportation, will be
754 available concurrent with the impacts of the development. For
755 the purposes of offsite transportation impacts, the developer
756 shall comply, at a minimum, with the standards of the state land
757 planning agency's development-of-regional-impact transportation
758 rule, the approved strategic regional policy plan, any
759 applicable regional planning council transportation rule, and
760 the approved local government comprehensive plan and land
761 development regulations adopted pursuant to part II of chapter
762 163.

763 7. Design and construct the development in a manner that
764 is consistent with the adopted state plan, the applicable
765 strategic regional policy plan, and the applicable adopted local
766 government comprehensive plan.

767 Section 7. The Department of Environmental Protection may
768 develop and maintain a list of flocculants the use of which is
769 permitted under part IV of chapter 373, Florida Statutes,
770 including information concerning any associated testing to
771 determine compliance with state permitting standards and
772 information on application rates and methods. Publication of
773 this list is not a rule under the provisions of chapter 120,
774 Florida Statutes. This section does not prevent an entity from
775 proposing, or the department from approving, the use of a
776 flocculant that is not on the department's list subject to the
777 entity providing the necessary documentation required by the

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778 | department to ensure that its use will not cause harm to the
779 | water resources of the state.

780 | Section 8. Section 374.977, Florida Statutes, is repealed.

781 | Section 9. This act shall take effect July 1, 2008.